IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

WP(C).No. 846 of 2007(A)

PETITIONER:

MANOJ K.,
NIGHT WATCHMAN, VHSE REGIONAL OFFICE,
KOLLAM.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY**
   THE SECRETARY, GENERAL EDUCATION (SPECIAL CELL),
   SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE DIRECTOR,**
   VOCATIONAL HIGHER SECONDARY,
   GOVERNMENT OF KERALA, SANTHI NAGAR,
   THIRUVANANTHAPURAM.

3. **THE ASSISTANT DIRECTOR,**
   VOCATIONAL HIGHER SECONDARY EDUCATION,
   REGIONAL OFFICE, KADAPPAKKADA, KOLLAM.

4. **SRI. GOPALAKRISHNAN, PEON,**
   TKDM GOVT. VHSS., ULIYAKOVIL, KOLLAM.

5. **SRI. DILEEPKUMAR, PEON,**
   GOVT. VHSS., MUTTARA, KOLLAM.

BY ADV. SRI.PREMCHAND R.NAIR
SRI.PEARSON S.FERNANDEZ
SRI.SUKUL KHADER
BY GOVERNMENT PLEADER SMT.M.R.SREELATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.C NO.846/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE APPOINTMENT ORDER NO.8.E6/4898/02 DT.12.12.03 ISSUED BY THE 2ND RESPONDENT.

EXT.P2:- COPY OF THE APPLICATION ON 29.1.04 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P3:- COPY OF THE COMMUNICATION NO.L1-501/04 DT.10.2.04.

EXT.P4:- COPY OF THE ORDER NO.E4/12706/01 DT.16.11.01 ISSUED BY THE 2ND RESPONDENT.

EXT.P5:- COPY OF THE COMMUNICATION NO.L1/4341/05 DT.2.8.05 SEND BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT.

EXT.P6:- COPY OF THE COMMUNICATION NO.E6/13163/05 DT.10.10.05.

EXT.P7:- COPY OF THE ORDER NO.E6-11665/03 DT.12.1.205 ISSUED BY THE 2ND RESPONDENT .

EXT.P8:- COPY OF THE REPRESENTATION DT.5.12.06 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT .

EXT.P9:- COPY OF THE COMMUNICATION NO.;1/6384/06 DT.7.12.06 ISSUED BY THE 3RD RESPONDENT.

/TRUE COPY/

tss

K. M. JOSEPH, J.

W.P.C. NO. 846 OF 2007 A

Dated this the 9th March, 2007

JUDGMENT

Petitioner is aggrieved by the overlooking of his seniority in the matter of category change from Night Watchman to Peon. It is his complaint that it is violating his seniority that respondents 4 and 5 have been appointed. Petitioner has filed Ext.P8 before first respondent. He relies on Ext.P7 seniority list. Learned counsel submits that a decision may be ordered to be taken on Ext.P8. Accordingly, leaving open the contentions of petitioner, the Writ Petition is disposed of directing the first respondent to consider and take a decision on Ext.P8 in accordance with law after affording an opportunity of hearing to the petitioner, respondents 4 & 5, and any other affected party, within a period of six weeks from the date of receipt of a copy of this Judgment.

K. M. JOSEPH, JUDGE

kbk.